

SENATE BILL NO. 281

BY SENATOR EDMONDS

1 AN ACT

2 To amend and reenact R.S. 22:1852(7) and the introductory paragraph of 1856.1(B),
3 1856.1(B)(2)(b) and (G) and to enact R.S. 22:1856.1(H), relative to pharmacy record
4 audits; to provide for definitions; to provide for audits and reviews of pharmacy
5 records; to provide for notification to the Department of Insurance; to provide for
6 enforcement action; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1852(7) and the introductory paragraph of 1856.1(B),
9 1856.1(B)(2)(b) and (G) are hereby amended and reenacted and R.S. 22:1856.1(H) is hereby
10 enacted to read as follows:

11 §1852. Definitions

12 As used in this Subpart, the following terms ~~shall be~~ are defined as follows:

13 * * *

14 (7) "Health insurance issuer" means an insurance company, including a health
15 maintenance organization as defined and licensed pursuant to Subpart I of Part I of
16 Chapter 2 of this Title, unless preempted as an employee benefit plan under the
17 Employee Retirement Income Security Act of 1974. For purposes of this Subpart, a
18 "health insurance issuer" ~~shall include~~ includes the Office of Group Benefits, a
19 pharmacy benefit manager, and any person acting on behalf of a pharmacy
20 benefit manager.

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22 §1856.1. Pharmacy record audits; recoupment; appeals

23 * * *

24 B. Notwithstanding any other provision of law to the contrary, when an audit
25 of the records of a pharmacy is conducted by an entity, the audit shall be conducted
26 in accordance with the following criteria:

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(2)

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(b) Nothing in this Paragraph ~~shall prohibit~~ **prohibits** review of a claim filed by a pharmacy to determine if the claim is payable or is paid correctly. ~~Such~~ **The** review may require the submission of prescription copies and other documentation related to the specific claims under review but shall not require the pharmacy to provide any additional information not related to those specific claims.

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G. This Section ~~shall not~~ **does not** apply to either of the following:

(1) Any quality assurance review, as defined by the time period prior to the reimbursement by the entity to the pharmacy.

(2) ~~An~~ **Any** investigation ~~that is initiated,~~ **conforming with rules adopted by the commissioner,** based on or that involves suspected or alleged fraud, willful misrepresentation, or abuse.

H. The commissioner shall promulgate rules in accordance with the Administrative Procedure Act that set forth standards for policies and procedures governing the performance of pharmacy record audits, claims reviews and quality assurance reviews, and fraud or willful misrepresentation audits.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____